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1990

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Anita L. Allen

*University of Pennsylvania Carey Law School*

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#### Repository Citation

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# On Being a Role Model

Anita L. Allen<sup>†</sup>

## I. THE JOURNALIST'S QUESTION

In the spring of 1990, Harvard Law School students demanding faculty diversity<sup>1</sup> took over the Dean's office.<sup>2</sup> Derrick Bell, Harvard's first and most senior black law professor, announced that he would sacrifice his \$120,000 annual salary until the Law School tenured a black

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<sup>†</sup> Professor of Law, Georgetown Law Center. In addition to participants in the June and October 1990 meetings of the Northeast Corridor Black Women Law Teachers' Collective, I would like to thank the many friends and colleagues who read drafts of this essay and encouraged me to publish it. For their generous written comments I would like to thank Professors Girardeaux Spann, Martha Minow, David Strauss, and Robert Nozick; and Georgetown law students Ms. Lee Llambelis and Ms. Michele Beasley. I owe special gratitude to Professor Charles Ogletree and the Harvard Law School students who, along with Professors Randall Kennedy and Derrick Bell, attended the Saturday School program on September 22, 1990, at which I was allowed to present this essay. I am also grateful to the University of South Florida for permitting me to deliver this essay on February 11, 1991, as part of its university lecture series. This essay is dedicated to the memory of my great grandmother, Clemmie Glass Cloud (1889-1981).

<sup>1</sup> Harvard Law School students moved their diversity protests from the campus to the court in the fall of 1990. A group of students filed a lawsuit in Massachusetts state court alleging that Harvard's failure to hire additional women, racial minorities, and openly gay and lesbian faculty violated state human resource laws. The complaint specifically alleged that the law school's hiring practices constituted a continuing pattern and practice of discrimination, disproportionately excluding women, racial minorities, openly gay or lesbian people and people with disabilities from tenured and tenure-track faculty positions, in violation of Massachusetts law prohibiting employment discrimination and discrimination in the enjoyment of basic rights. *Harvard Law School Coalition for Civil Rights v President and Fellows of Harvard College*, Complaint No 90-7904 (Mass Superior Court, Middlesex County, Cambridge Division, Nov 20, 1990). The lawsuit was dismissed for lack of standing on February 25, 1991. See Robert Arnold, *Discrimination Suit Dismissed*, 92 Harv L Record 1 (Mar 1, 1991).

<sup>2</sup> See Fox Butterfield, *Harvard Law Professor Quits Until Black Woman is Named*, NY Times 1, col 1 (Apr 24, 1990). The students' rallies and "sit-ins" pressed law school administrators for a commitment to a "diverse" faculty broadly conceived. However, media reports often focused on the question of a permanent, tenured appointment for a particular black woman, Professor Regina Austin, a visiting professor at Harvard during the 1989-90 academic year. See *id* (quoting discordant student perspectives on Austin's teaching).

Critical of the tenor of the New York Times coverage, a group of prominent black women law teachers wrote a letter to the editor stressing that by appointing Austin, Harvard "would [not] depart from its usual standards of quality." See Paulette M. Caldwell, et al, *Law School Standards: The Old and the New: "A Superb Scholar,"* NY Times 34, col 5 (May 11, 1990). Professor Austin returned home to the University of Pennsylvania Law School without an offer to join the Harvard faculty.



Mrs. Bradley's first grade class, Wheeler Air Force Base (1960). Author is in third row, fourth child from right.

woman.<sup>3</sup> Bell's action soon became a mass media event, and my telephone began to ring.

Most callers were friends who knew that a month before the students' protests and Bell's announcement, I had accepted Dean Robert Clark's offer to teach at Harvard as a Visiting Professor of Law. Clark's offer had been flexible; I would be welcome any time within the next few years. A variety of personal and professional considerations had seemed to point toward visiting sooner rather than later. Therefore, in consultation with the husband I would have to leave behind and my Georgetown dean, I had made arrangements to teach at Harvard during the 1990-91 academic year. Now friends wondered whether I regretted my plans. They inquired whether, as a black woman, I viewed the unresolved, nationally publicized diversity drama as a reason to renege on my agreement to begin at Harvard in September 1990.

One memorable caller was not a friend, but a savvy newspaper reporter. She phoned to ask what I thought of the "role model argument" Professor Bell purportedly used in urging his school to hire black women. The journalist explained that, according to the role model argument, the *primary* justification for adding black females to a law faculty that may already include black males and white females is that black female law students need black female role models.<sup>4</sup> The reporter's pointed question caught me off guard. I resorted to equivocation, mouthing something mildly approving of the role model argument, followed by something mildly critical of it.

After the call, I began to think seriously about the case for black female role models in American law schools. I pondered a stance which at first seemed ambivalent, then inconsistent, and finally correct. Black women law teachers have unique contributions to make as role models for black female law students. Yet, incautious, isolated appeals to role modeling capacities are potentially risky. They can obscure the wider range of good reasons institutions have for recruiting black women to their faculties. They can also obscure the fact that some very accomplished black women may fit no one's ideal description of the "positive" minority role model.

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<sup>3</sup> Butterfield, *Harvard Law Professor Quits Until Black Woman is Named*, NY Times at 1 (cited in note 2).

<sup>4</sup> As of this writing, there has never been a tenured or tenure-track black woman on the Harvard Law School faculty. At the time of the student protests and lawsuit in 1990, see notes 1 and 2, Professor Derrick Bell was one of three tenured black men on the faculty. (The other two were Christopher Edley, Jr. and Randall Kennedy.) The faculty also included five tenured white women, and two untenured black men. (David Wilkins and Charles Ogletree were the black men; Martha Field, Elizabeth Bartholet, Mary Ann Glendon, Martha Minow and Kathleen Sullivan, the white women.) Another black man, Scott Brewer, had accepted a tenure-track faculty position that he is expected to assume after a judicial clerkship. The tenured and tenure-track faculty included a Brazilian citizen, Roberto Unger, but no Hispanic-Americans, Asian-Americans, or open gays or lesbians.

I believe there are good reasons for hiring black women that have little or nothing to do with role modeling. It is abundantly evident that black women can teach, write and do committee work as well as anyone else. Individual black women in fact often excel at one or more of these tasks. To be sure, individual black women also often excel as role models. It is nonetheless misleading to single out role-modeling and purport to rank it as the "primary" or "only" reason schools have for appointing black women to their faculties.

Role models can be extremely important, especially in the lives of young adults. But, as developed below, the role model argument is deeply problematic. It mischaracterizes black women's actual and potential contributions. The argument encourages the inference that black women are inferior intellectuals and that white teachers have no role to play in addressing the special needs of black students. The quest for "positive" minority role models demanded by the role model argument risks stereotyping minorities on the basis of race and gender, imposing upon black women teachers the felt obligation to be perfectly "black" and perfectly "female."

The significance to black women of black women teachers must be more widely understood if there is to be serious public discussion of the role model argument for faculty diversity. In the first three sections of this essay I share what my personal experiences suggest to me about the value of black women teachers and role models to black women students. In the remaining three sections, I elaborate my sense of the adverse implications of premising the recruitment of black women law teachers solely or primarily on their role modeling potential. The fate of women of color in higher education depends upon recognizing the power and the limitations of the role model argument.

## II. MERITOCRACY AND SUSPICION

Black women teachers have never been found in great numbers in higher education outside of historically black colleges and universities.<sup>5</sup> Not everyone looks to the ugly legacy of American race relations to explain our conspicuous absence. Some instead attribute our absence to the failure of civil rights legislation or affirmative action policies to produce an adequate pool of qualified applicants. Some believe that taking advantage of whatever black women have to offer is not worth the affront to the principle of meritocracy that our inclusion would supposedly entail.

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<sup>5</sup> For data on blacks in law teaching see generally Richard H. Chused, *The Hiring and Retention of Minorities and Women on American Law School Faculties*, 137 U Pa L Rev 537 (1988). See also Edward J. Littlejohn, *Black Law Professors: A Past . . . A Future?*, Mich Bar J 539 (June 1985).

History teaches that the seemingly sacred principle of meritocracy has often been applied selectively, as a rule of convenience. At one time, the putative principle was ignored to the detriment of the Jewish Americans who sought admission to elite schools. Earlier in the century former President Abbott L. Lowell of Harvard defended quotas designed to exclude Jews on the ground that whatever superior intellectual accomplishment they had to offer over less intelligent white Christian students was not worth the affront to the ideal of the well-rounded character demanded by American business and government.<sup>6</sup>

In the past, traditionalists criticized schools like Harvard for opening their doors to Jews. These schools paid a price in lost alumni donations. Institutions that hire white women and minorities still pay a price. A law student I know recently participated in a telephone fund-raising campaign on behalf of Harvard Law School. She reports contacting a number of older alumni who flatly refused to contribute on the ground that the law school faculty now includes women and blacks.

As an activist for faculty diversity, Derrick Bell pays a price too. Professor Bell's controversial decision to give up his salary until Harvard tenures a black woman law teacher was viewed widely as not only coercive, but ridiculous. How could anyone seriously expect Harvard Law School to award tenure on demand? And to a black woman! The ridicule Bell drew for his "woman of color" emphasis underscored the fact that including black women in higher education arouses inherent suspicion.

The concept of black women teaching in white schools is suspect in part because the experience of having black women as teachers is unfamiliar to many faculty and students. Lack of familiarity is how I explain an undergraduate's hostile challenge on the first day of the first class I ever taught. The year was 1976. I was a doctoral student in philosophy and a teaching fellow at the University of Michigan. "What gives *you* the right to teach this class?" the young white man asked, when I introduced myself as his instructor.

Ironically, distrust of black women infects minority students as well as whites. This accounts for why an ambitious black law student in Washington, D.C. told me he would not dream of taking a class from a black professor of either gender. He said he wanted to learn "the same thing the white boys are learning."

The academics and media pundits who have been most strident in their opposition to the role model argument have probably rarely, if ever, been taught by a black woman. The same is probably also true of many supporters of the role model argument, and many of the young black women, born in the 1960s, on whose behalf the role model argument is

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<sup>6</sup> See Ronald Dworkin, *Taking Rights Seriously* 230 (Harv U Press, 1977).

currently advanced. Both sides lack personal experience with what black women have to offer in the classroom. I am scarcely better off. If I can boast first-hand experience with black women teachers, it is only because certain childhood memories have stubbornly resisted oblivion.

### III. MY TEACHERS

#### A. Black Educators

My first school teacher was a black woman. Reaching her was not easy. Each weekday morning a military bus, the brown-green color of my father's fatigues, arrived on our block. We climbed aboard, black and white playmates together, headed with all deliberate speed to our separate but equal schools in the next town. The long trip from Fort McClellan to Anniston, Alabama was saddening, especially when I travelled alone. Most of the time I was the only child making the special journey required of five-year-old children of Negro servicemen needing kindergarten.

The Jim Crow journey began when the federal government's school bus dropped me off on a street corner near my teacher's house.<sup>7</sup> She met me promptly and took me to her bungalow. Inside, we waited. She filled those hours nursing her elderly mother and tidying her clutter. I sat still or moved cautiously among ceramic figurines and delicate needlework. When it was time, this teacher, whose name is long forgotten, drove the two of us to school—the windowless basement of a red-brick Presbyterian church.

Private Negro education in the year 1958 cost my parents five dollars per month. Their money got me an ample desk squeezed between church things: boxes of abandoned hymnals and dusty stacks of folding chairs. My teacher assigned painful, real work. Pupils of promise, with parents able to buy books, read and wrote, added and subtracted, seriously. At recess a swarm of children, friends from the neighborhood, laughed and played out of doors under relaxed supervision. But I stood in the shade of an enormous oak tree, a xenophobic stranger, overwhelmed and over-disciplined, combatting tears.

At the end of the school day, the journey was reversed. I travelled from church to teacher's house; house to bus stop; bus to base; then, home, to family and friends. Safe again, I soared beside my baby sister,

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<sup>7</sup> Since at least the 1950s, large military installations that house the families of active duty service personnel also provide free, racially integrated schools. I attended such a school at Wheeler Air Force Base in Hawaii. See photograph at 23. Fort McClellan had no schools of its own, but provided transportation on government buses to nearby civilian schools. These schools were racially segregated.

Pumpkin, in a backyard swing, belting out radio songs about purple people-eaters and that clown Charlie Brown.

My second school teacher was also a black woman. Everything she was supposed to teach me, I had already learned in the church basement. So, her bright classroom at E.C. Clements public elementary school in Atlanta was a picnic. From my great grandmother's house I eagerly walked the half-mile to school with Red Cynt, Garney Perkins and cousins who straightened their hair with Vaseline. In class I broke sugar cookies into tiny enough pieces to sweeten the days of anyone stuck with mayonnaise sandwiches for lunch, and whispered the answers to test questions, all in the innocent spirit of sharing. When my mother gave birth to her first son and we were finally able to fly to Hawaii to join my father, I was not anxious to go.

My third school teacher was also a black woman. Miss Bradley was to be my last black teacher until I enrolled at Harvard Law School 20 years later. At Harvard I would be assigned to Clyde Ferguson's course on Civil Procedure, and I would sign up for Christopher Edley's courses on tax and administrative law. But when I was new to Oahu, the elementary school at Wheeler Air Force Base, and Miss Bradley's rainbow of Caucasian, Hispanic, Asian, Pacific Island and African ancestry first-graders, I preferred standing close by the teacher to joining unfamiliar games. But Miss Bradley pushed me away, exhorting me to "go and play with the other children." Wounded, I took her sage advice. Years later, standing too close, too long by Professor Ferguson at law school orientation, he would seem to send essentially the same message. I tried to take his advice too.

The black women teachers of my childhood were wholly credible. They taught demeanor and responsibility. They defied the odds, worked extra hard, and cared. Both because of who they were and who I am, it is impossible for me to share, or even to comprehend, others' automatic suspicions that women of color in higher education are inferior.

### **B. White Educators**

White males are the dominant group in American higher education. They are the most numerous academic role models for black women. For most women of my generation who pursued higher education, white males were just about the only academic role models we had. In addition to the seven years I spent in college and law school, I spent four years in graduate school earning a Ph.D. In those 11 years, I had no black female professors. I had only three white female professors, two black male professors and one Korean male professor. The rest, dozens, were white males.

My white male college teachers at New College in Sarasota, Florida,



were, by and large, good academic role models. One of the best admitted that, when he saw me walk into an advanced philosophy class freshman year, he did not think I belonged there. He was right. At 17, I was overconfident. He concealed his skepticism until I returned two decades later to deliver the commencement address. To help me along he tutored me outside of class, invited me into his family home, sponsored my senior thesis and helped me choose a graduate school.

One of the worst white male academic role models I encountered at New College was a professor who suggested, before getting to know me or my work, that I should become an airline stewardess rather than try to complete college. This same professor privately accused me of plagiarizing an independent study project. He could not believe I was the author of what he regarded as a very good paper.

For the longest time, there were so few professional women in my life to serve as role models that I did not have a clue as to how an aspiring female scholar should behave. Once, when I was a first-year graduate student, I crocheted a lace doily during a guest lecture by a famous philosopher. A friendly professor advised me against further public needlework until I had "established [myself] in the field."

I never crocheted again, and increasingly looked to my professors and classmates—virtually all white men—to figure out how to comport myself. I ate what they ate; spoke as they spoke; wrote as they wrote. When I went into philosophy teaching at Carnegie-Mellon University in the late 1970s, it took me a year to figure out that my students would be more cooperative if I simply took off the blue jeans and button-down collar shirts I had learned to wear, imitating white males, and put on a dress.

Today, as in the 1970s and 1980s when I was a student, white male college, university and professional school teachers are often poor role models for black female students. Whites fail as positive role models when they communicate a lack of confidence in black students or simply ignore them. A white male law teacher at Harvard once told me point blank that he aimed his classes at the conservative white males whom he wished to rattle with progressive sensibilities before they took off for Wall Street. He had defined a pedagogical agenda that expressly excluded blacks.

Several of my white male professors were poor role models because they allowed their alcoholism, their drug dependencies and their psychological problems to interfere with their teaching and scholarship; or because they were curiously indifferent to students with such problems. Needless to say, white males are also poor role models for black women when they engage in sexual harassment. White women are not the sole victims of sexual harassment in the university. Two of my graduate school teachers at the University of Michigan flunked the positive role

model test on this score, including the man I dropped as an advisor after he kissed me on the mouth the first time we got together to discuss my work.

The ethos of significant segments of mainstream intellectual culture includes distrust of ethnicity-specific and feminist studies. Professors who never mention relevant work of people of color, our history, our problems, our contributions and our perspectives cannot be nurturing, positive role models. Professors, of whatever gender or hue, who sneer, roll their eyes, or become impatient when a student wants to know the value of a line of inquiry for people like her, are not positive academic role models. Professors who dismiss black females' perspectives and are hostile to efforts to bring scholarly tools to the interpretation of our experiences are not positive role models. Regrettably, a black woman looking for mentors runs a gauntlet of teachers who subtly communicate that it is inappropriate for a serious academic or lawyer to care about black women, and even worse to be one.

#### IV. THE CASE FOR BLACK WOMEN ROLE MODELS

It will sound self-serving to insist upon this point, but black women teachers have something special to offer students. Some of what black women law teachers do, say and write is indistinguishable from the contributions of their black, white, brown, red or yellow male colleagues. It does not follow, however, that black women law teachers are superfluous.

Black female students deserve teachers who will assume their competence. They deserve teachers who will motivate them to do their best work, listen with understanding and validate their life experiences. Black female students deserve teachers who will sponsor special events, and provide insight into how to deal professionally and sanely with the problems women of color inevitably face in legal practice and the academy. Many black women teachers are interested in helping black female students in just these ways.

I believe that certain experiences black women law professors have had, *precisely as black women*, have led to the development of personal skills, social perspectives and concerns to which law students are beneficially exposed. As a student, lawyer and teacher, I have had more than one experience that has challenged my professionalism and taught me lessons I am now prepared to share with students. Consider the time a white male professor told me that as a black woman I would "have to pee on the floor" at job interviews not to get hired. Consider my first day as a summer associate at a Wall Street law firm: a partner asked me to write a memorandum explaining why private clubs have a constitutional right to exclude women and minorities from membership. When I

expressed my disapproval of race and gender discrimination, he cheerily replied that he was not interested in the "sociological considerations."

Consider, too, the time a white female student in a class I taught told me that she did not get along with black people. Or the time another of my students announced to a racially diverse group discussing affirmative action that "there are no intelligent black people in Oklahoma." Her evidence? She explained that the public school system in her home town, previously headed by a black woman, had gone bankrupt.

And then there was the time my husband and I attended a Georgetown basketball game at the invitation of faculty colleagues. An irate white fan seated behind me screamed, "Nigger, nigger," as a black official escorted unruly white youths out of the auditorium. My mild-mannered spouse leapt to his feet and grabbed the fan by the collar, daring him to repeat further epithets. The fan muttered something about keeping our noses out of his business, but quickly backed down. Situations like these simultaneously place dignity, safety and careers on the line.

Racial insensitivity, prejudice and racism are facts of life. For women of color, sexism and sexual harassment magnify race-related burdens. Black female students have much to learn from black female teachers. We know what it is to experience insecurity about the stereotypes of black women as fit only for sex and servitude, or as having faces that belong on cookie jars or syrup bottles rather than on the pages of bar journals.

Last spring, a middle-aged white college professor who attended a presentation I made to the American Association of University Professors on the problem of discriminatory harassment on campuses, told me that I should not mind being called a "jungle bunny." "After all," he said, "you are pretty cute and so are bunnies." Once, an eminent white scholar with whom I was dining suddenly took my chin into his hand to inspect my face. He told me, approvingly, that I resembled his family's former maid.

In a different vein, on a hot day on which I had my kinky hair tied back in a bandanna, a white colleague innocently remarked that I looked liked comedian Eddie Murphy's parody of "Buckwheat." My valued friend was unaware of the negative connotations the unkempt, wild-haired, inarticulate "Our Gang" character has for me as a southern black. However, I felt slighted by the comparison, as did my incredulous black female secretary, who sputtered, "But, but Buckwheat is ugly!"

Black women may be better able to take themselves seriously as intellectuals knowing that others like them are concerned professors, deans, provosts and university presidents. Black female law students benefit from opportunities in law school to relate *precisely as black*

women to some of their teachers. Recent encounters at Georgetown Law Center, where I am a professor, have persuaded me of the value of dealing closely with women students. These encounters have breathed new life into the adage that educated blacks must be role models for the next generation.

Last year I attended a meeting called by students to discuss why many women feel alienated in law school and silenced in the classroom. The significance of gender was on everyone's mind. But it was plain that the group of mainly white women was barely aware of the significance of class and racial divisions among women. For example, a white student stated that she had heard enough of a Hispanic classmate's criticism of our school's meager loan repayment assistance program and wished to return to the subject of alienation in the classroom. She added that should the Latina have financial problems after law school stemming from a decision to pursue public interest law, she could always contact her, "a person of privilege and increasing privilege," for help.

After this meeting I was anxious to focus attention on diversity among women. I invited a multi-racial group of about 20 female Georgetown law students to my home to view a Hollywood film about black, white and mulatto women struggling in New York City in the 1950s. The crowded, informal meeting in my living room was the most ethnically diverse group one of the white women who came said she had *ever* experienced. Another white student said that, prior to our evening together, she had *never* before been part of the racial minority in any social setting. The next week this same student wrote me a thank-you note. The moving note enclosed a photocopy of a page from her diary recounting a remarkable dream she had had months before while she was a student in my torts class. The dream was about "a tall, beautiful black woman with dread locks" trying to give her some important information "disruptive to the status quo," when a threatening, obese white man in his fifties "pulls out a revolver and shoots her in the stomach."<sup>8</sup> It seems that our students think about race and gender whether we discuss it with them or not.

Several of the black women who came to my home said that interacting that evening with white classmates was new to them. One black woman revealed that she did not initiate conversations with whites at law school, except to conduct business. A black professor on the faculty of an elite New England college told me a few days later that she, too, rarely strikes up conversations with whites. Black students in my classes who had never spoken to me or participated in class poured forth their perspectives as law students, but also as wives, mothers and workers. Thereafter, one of them began stopping by my office and became more

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<sup>8</sup> Gillian Caldwell, unpublished journal (entry on file with author).

animated in class. She did very well on my anonymously-graded jurisprudence examination.

## V. AGAINST THE ROLE MODEL ARGUMENT

### A. Attenuated Support for Affirmative Action

Against the background of the compelling case for black women role models, the role model argument for hiring black women teachers has a certain appeal. In the age of racially integrated higher education, the role model argument acknowledges that black women are indispensable. The argument provides a pragmatic link for affirmative action proponents between the case for affirmative action in student admissions, on the one hand, and the case for affirmative action in faculty hiring on the other. According to the role model argument heard today, white institutions that now admit significant numbers of black females need energetic black women to teach, counsel, mentor and inspire.

Affirmative action policies that increase black admissions proportionately increase the need for black female role models. Affirmative action policies that increase admissions opportunities for blacks also potentially increase the overall number of black role models available to future generations.<sup>9</sup> But the relationship between the case for affirmative action and the case for black role models is not as close as one might suppose. Logically speaking, the soundness of the role model argument does not entail or presuppose the soundness of the argument for affirmative action. A stern opponent of affirmative action could favor hiring black female role models to improve the educational experiences of students "wrongly" admitted on an affirmative action basis.

Black teachers, like black students, may be fitting beneficiaries of affirmative action. But the role model argument defends employing black women on utilitarian grounds referring to student and institutional need, rather than on grounds referring to compensatory justice or to our own remedial desert.<sup>10</sup> It is also worth noting that, because the role model argument does not entail the justice or prudence of affirmative action, it follows that the role model argument is neutral as among each of the proposed rationales for affirmative action—racism, inequality and

<sup>9</sup> Bernard Boxhill suggested that even if affirmative action (in his words, "reverse discrimination") "sins against a present equality of opportunity, [it may be acceptable because it] promotes a future equality of opportunity by providing blacks with their own successful 'role models.'" Bernard Boxhill, *Blacks and Social Justice* 171 (Rowman and Allanheld, 1984).

<sup>10</sup> This is not to say that there are only utilitarian arguments for hiring role models or for affirmative action. See, by analogy, Dworkin, *Taking Rights Seriously* at 232 (cited in note 6) (discussing *Sweatt v Painter*, 339 US 629 (1945) and *DeFunis v Odegaard*, 416 US 312 (1974)) (in some cases discriminatory policy which puts some individuals at disadvantage may be justified because average welfare of community improved or because community rendered more just or ideal).

past injustice.<sup>11</sup>

Affirmative action arguments are sometimes premised on the perceived importance of empowering blacks economically, politically and socially. Advocates also discuss black empowerment as an important objective quite apart from the fate of affirmative action programs. As individuals and as communities, blacks undeniably need more and better political representation, and more and better economic resources. Blacks need healthier and more harmonious social lives. Without these forms of empowerment, pluralist ideals of democratic self-government lack real meaning.

Empowerment presupposes education. Black female role models are potential power enhancers. Black female educators can help black citizens manage autonomous communities, share power with other groups, and give voice to blacks' concerns. Black women's presence in higher education promises to help lift the political and economic status of blacks. The presence of black women professors is also evidence of our actual power as minority group members situated to help set educational and scholarly priorities.

However, the romantic image of black women as inherent power-enhancers is misleading. If, as sometimes happens, black women professors are either disaffected or marginalized by colleagues and scholarly associates, then our presence does not truly indicate that blacks are sharing or will someday significantly share power with other groups. Keeping black women out of academia surely thwarts black empowerment. But, regrettably, letting us in does not guarantee it.

### **B. Ambiguity: Templates, Symbols and Nurturers**

The role model argument loses some of its initial luster when one begins to appreciate the attenuated character of its logical ties to arguments for affirmative action and black community empowerment. Even a racist can embrace the role model argument, and adding black women teachers to university faculties does not guarantee significant empowerment. The role model argument loses additional appeal upon appreciation of the ambiguity it tolerates. In some senses of the popular term, being a black woman is neither a necessary nor a sufficient condition for being a role model for black women students.

All teachers are role models. But not every teacher is a role model in every sense. All teachers are role models in one familiar sense. They

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<sup>11</sup> See generally Robert K. Fullinwider, *The Reverse Discrimination Controversy: A Moral and Legal Analysis* (Rowman and Littlefield, 1980); Marshall Cohen, Thomas Nagel and Thomas Scanlon, eds, *Equality and Preferential Treatment*, (Princeton U Press, 1977); Kent Greenawalt, *Discrimination and Reverse Discrimination* (Alfred A. Knopf, 1983); Boxhill, *Blacks and Social Justice* at 147-72 (cited in note 9).

"model" their roles as teachers. They are what I will call "ethical templates," men and women whose conduct sets standards for the exercise of responsibilities. Only some teachers are role models in the stronger, equally familiar senses I will label "symbols" of special achievement and "nurturers" of students' special needs.

Like other teachers, law school teachers are role models in the "ethical template" sense. The manner in which faculty members exercise their responsibilities as teachers sets standards for how responsibilities ought to be exercised. As ethical templates teachers can set high standards or low ones. What law school teachers say and do suggests something to their students about what law school teachers ought to say and do. The conduct of law professors also carries general messages about the exercise of responsibility in adult roles other than teaching, especially the roles of attorney and judge.

Educators are not the only role models in the "ethical templates" sense. However, notorious acts of professional misconduct have led to fears that youth have few credible, laudable ethical templates for adult roles in any field. The virtual national crisis over the decline in ethical standards led a reporter for the *New York Times* recently to make a grim survey: "[W]ho are the role models? Mayor Marion Barry of Washington? Michael Milken of Wall Street? Ben Johnson, the disqualified Olympic sprint champion? Defrauders of savings and loans institutions?"<sup>12</sup>

A laudable template need not be viewed as laudable. Derrick Bell's poor reception as a visiting professor at Stanford Law School several years ago can perhaps be explained as students' devaluation of his modeling of the constitutional law professor role.<sup>13</sup> Disgruntled students rounded up a white male professor to teach them supplementary classes from which Bell was excluded. As a black visiting professor, Bell represented a new kind of template. Students assigned to his class wanted to be taught constitutional law from a "traditional" professor's perspective.

Law students may resist teachers for reasons unrelated to race and tradition. They sometimes reject academic lawyers as poor ethical templates for the roles of practicing attorney and judge. Harvard law student Brian Melendez was recently quoted in the *American Bar Association Journal* doing just that. He said he "wouldn't really call [professors who expound theory and develop new approaches to the law] role models because most of them have never practiced."<sup>14</sup> In hiring judges and practicing attorneys onto their faculties, law schools provide

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<sup>12</sup> Fred Hechinger, *Education*, NY Times B8, col 1 (Sept 26, 1990).

<sup>13</sup> Derrick Bell, *The Price and Pain of Racial Perspectives*, Stan L School J 5 (May 9, 1986); Derrick Bell, *Strangers in Academic Paradise: Law Teachers of Color in Still White Schools*, 20 USF L Rev 385 (1986). See also Derrick Bell, *Memorandum to Harvard Law School Record* (Nov 22, 1987) (on file at Cornell Law Review) (recounting incident at Stanford Law School).

<sup>14</sup> Maria Morocco, *Law Students on Law School: The Job Chase*, ABA J 66 (Sept 1990).

experts students can readily embrace as role models in the term's "ethical template" sense. The ability of students to embrace their teachers as credible templates may be critical for successful clinical legal education.<sup>15</sup>

Law teachers are ethical templates, but they can be role models in another sense. They can be symbols of special achievement. Indeed, in the only sense acknowledged by philosophers Judith Thomson and George Sher, role models are individuals who inspire others to believe that they, too, may be capable of high accomplishment.<sup>16</sup> Kent Greenawalt had this understanding in mind when he described the utilitarian, "role models for those in the minority community" argument for racial preferences.<sup>17</sup> Minority group members and white women are not the only ones who can be symbols of special achievement, of course. A white man from a poor, troubled home who succeeds through hard work in a chosen profession can serve as a role model for others of his same background.<sup>18</sup>

Law teachers who directly engage students through mentoring,

<sup>15</sup> See Minna J. Kotkin, *Reconsidering Role Assumption in Clinical Education*, 19 NM L Rev 185, 199-202 (1989) (proposing role model-based learning as alternative to role assumption-based learning in clinical legal education).

<sup>16</sup> The role model-as-symbol argument acknowledged by Judith J. Thomson in her essay *Preferential Hiring* in Nagel and Scanlon, eds, *Equality and Preferential Treatment* at 19, 22 (cited in note 11), was the argument that:

[W]hat is wanted is *role models*. The proportion of black and women faculty members in the larger universities (particularly as one moves up the ladder of rank) is very much smaller than the proportion of them amongst recipients of Ph.D. degrees from those very same universities. Blacks and women students suffer a constricting of ambition because of this. They need to see a member of their own race or sex who are [sic] accepted, successful, professional. They need concrete evidence that those of their race or sex *can* become accepted, successful, professionals.

(Emphasis in the original.)

In the same book, George Sher acknowledged and severely criticized the "symbolic" role model argument that:

[P]ast discrimination in hiring has led to a scarcity of female "role models" of suitably high achievement. This lack, together with a culture that inculcates the idea that women should not or cannot do the jobs that . . . men do, has in turn made women psychologically less able to do these jobs. . . . [T]here is surely the same dearth of role-models . . . for blacks as for women.

George Sher, *Justifying Reverse Discrimination in Employment*, in Nagel and Scanlon, eds, *Equality and Preferential Treatment* at 49, 58 (cited in note 11).

<sup>17</sup> If blacks and other members of minority groups are to strive to become doctors and lawyers, it is important that they see members of their own groups in those roles. Otherwise they are likely to accept their consignment to less prestigious, less demanding roles in society. Thus an important aspect of improving the motivations and education of black youths is to help put blacks into positions where blacks are not often now found so that they can serve as effective role models.

Greenawalt, *Discrimination and Reverse Discrimination* at 64 (cited in note 9).

<sup>18</sup> Still, public attention has generally focused on the especially difficult problems of role models for white women and racial minorities. Efforts abound to present young people with white female and minority role models who are "symbols" of special achievement. See, for example, Kathleen Teltsch, *Schools to Share Grant on Teaching*, NY Times 31, col 1 (Sept 23, 1990) ("The [General Electric] Foundation has tried to underscore its message about the rewards of research and the gratifications of teaching in a 17-minute videotape presenting six people who chose university careers as possible role models—two white women, two black women, a black man and a Hispanic man.")



tutoring, counselling and sponsoring special cultural or scholarly events are role models in a third sense. They are nurturers. Educators sometimes assume nurturing roles as supererogatory commitments to students they believe would not be adequately served by mere templates and symbols.

Blacks hired as symbols may turn out to be nurturers. Robert K. Fullinwider suggested that implicit in the rationale for placing blacks in "visible and desirable positions" is the possibility that we will provide "better services to the black community."<sup>19</sup> This is not to overlook the existence of intensive programs that take the provision of nurturing role models, as opposed to mere symbols, as among their central purposes.<sup>20</sup>

The roles of template, symbol and nurturer are often conflated in using role model arguments for including black women in higher education. As a practical matter, it is not always important to distinguish between the template, the symbol and the nurturer. As templates, our mere presences can reshape conceptions of who can teach law, and of what law teachers appropriately do and say. Moreover, many black women teachers serve willingly and well, both as symbols and as nurturers.

However, some black women "symbols" do not give a "nurturer's" priority to the advancement of the interests of black students and wider black communities. And a few non-symbol white males do. In arguments for academic role models for black women, the tasks one expects the role model to perform must be clearly specified. Not every black woman will be willing or able to perform every task.

### C. Whispers of Inferiority

Whether premised on the template, the symbol or the nurturer conception, the role model argument for recruiting black women faculty has serious limitations. One problem with the role model argument is that while it trumpets our necessity, it whispers our inferiority. Black women, like black men, are often presumed to be at the bottom of the intellectual heap. Employing us is perceived as stepping over the deserving in favor of the least able. Unlike arguments that aggressively contest mainstream notions of merit, qualification and competence, the role model argument gives white males a reason for hiring minority women

<sup>19</sup> Fullinwider, *The Reverse Discrimination Controversy: A Moral and Legal Analysis* at 18 (cited in note 11).

<sup>20</sup> Larry Hawkins, President of the Institute for Athletics and Education, appears to be a "nurturer" who aspires to provide youth with many other nurturing role models. His sports programs "provide youngsters with a sense of belonging, after-school activities, discipline, group skills, motivation to attend school and do well academically, adult role models and ultimately . . . self-esteem." Karen M. Thomas, *Coach-principal Seen as Vital Inner-City Education Motivator*, Chi Trib, Chicagoland section, 3, (Sept 23, 1990).

that is perfectly consistent with traditional assumptions of white male intellectual superiority.

Unassisted by other arguments, the role model argument leaves intact the presumption that black women have third-rate intellects. The argument makes it possible to assume that black women can be more competent than whites only insofar as they are better role models. The inability of many academics to communicate with blacks and women is indeed an incompetence, but not one of which the society teaches anyone who is not black or female to be especially ashamed. If schools are encouraged to premise hiring black women primarily or solely on the ground that we are better than others at guiding our kind, faculties may avoid confronting the truth that black women think, research and write as well as whites.

Institutions that employ role model arguments cannot avoid issues of merit entirely. Not every black woman has the same educational credentials. Some black women will be better symbols or nurturers than others. Schools may believe they are looking for flawless symbols, or symbols who are also tireless nurturers. This, I take it, is what is meant when the quest for role models to hire, promote and tenure is described as a quest for *positive* role models.

Sadly, being a positive black role model often seems to require acting as much like an educated upper-middle-class white person as possible, consistent with an ability to participate meaningfully in elite African-American community life. Looking and speaking like whites has always helped would-be positive role models. In the 1970s to be viewed as a positive academic role model at some institutions required eschewing scholarly interest in black studies. By contrast, some faculty members seem willing to defend overt ethnic identification as a precondition for serving as positive role models for black students.

In the 1980s, blacks and whites were heard to advance the claim that there is no point to employing as a law professor a black without a culturally different "voice." Being a diversity symbol, it was argued, is not enough for minority educators. The ideal positive black role model would have ties to the black community, manifest both in scholarship and a willingness to work closely with black students. She would project an image or approach teaching in a way that would aggressively forge new ethical templates for the teaching role. Faculties may feel pressure to hire a certain kind of black by students who complain, as one did a few years ago in my presence, about faculty who are not "black enough." Incredibly, a white professor in New York wrote a letter to his school's affirmative action office in October 1990, complaining that the role model argument did not justify the appointment of a certain fair-skinned black

professor, because he was too fair.<sup>21</sup>

In addition to ethnic self-identification and commitments, wearing her feminism on her sleeve and showing a willingness to work with female students sometimes have seemed to be further requirements of the positive black female role model. Thus, when combined with the inevitable quest for positive role models—unfailing symbols and nurturers—the role model argument risks imposing stereotypes of race and gender in the name of accommodating diversity.

#### D. Fraudulent Undervaluation

Understandably, some black female academics resent the role model argument. We resent it in the way that we resent all faint praise. It undervalues. Black women may want badly to help educate and inspire black students. But we know we are smarter and more valuable even than our status as role models implies. Black women are valuable to students of all races and to our institutions generally. We teach classes, write and serve on committees just like our colleagues. At some institutions we publish more and get better teaching evaluations than do our average white colleagues, many of whom were hired when standards were lower than they are now.

I have heard black women teachers swear that they spend more time talking to white students than their white colleagues do, and that they talk about a greater variety of personal and professional problems. My black students at Georgetown have rarely claimed as much of my time as have my white students. Black students stay away, explaining that they do not want to presume special privileges with black faculty. They worry about how it would look if they regularly spoke to black faculty after class or appeared to monopolize office hours. Some black students use the same rationale for not actively participating in class discussion.

Abstracted from the full spectrum of our capacities and contributions, the role model argument is thus a damning understatement. Our utility includes our contribution to black students, but is greater still. Moreover, the role model argument is a kind of “bait and switch.” We are hired ostensibly to be templates, symbols and nurturers. Then we are expected to do scholarship and much more, for which we are seldom separately recognized or separately compensated.

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<sup>21</sup> Letter of anonymous professor to Affirmative Action Office of John Jay College, New York, New York, October 8, 1990, on file with author. Observing that “color has been—and is still—used as a basis for discrimination,” the professor protested that:

... I very much doubt whether Dr. \_\_\_\_ adequately instantiates the requirement of the role model argument. ... [U]ntil I made some inquiries about him subsequent to his appointment [I] did not know that he belonged to a “protected class.” ... Dr. \_\_\_\_ fails to display to any but the most “discerning” the characteristics that formally commend him to those who appointed him.

Names have been omitted for reasons of privacy.

### **E. Psychological Burdens**

In candid conversation with black women teachers one learns that the "role model" label, even willingly embraced, can be a special psychological burden. It makes those of us who take it seriously worry that we have to be perfect—perfectly black, not just black; perfectly female, not just female. Since we are told that our reason-for-being is that we are role models, we attach undue weight to everything we do.

Not only how and what we choose to teach—corporations versus race relations versus family law—but even how we wear our hair takes on special importance. If we straighten our hair, we fear black female students will infer that it is necessary for black female lawyers to have straight hair. If we braid our hair, we fear black female students will infer that they should take their braids to the Justice Department.

At the University of Pittsburgh, the Black Law Students Association sponsored a party to welcome me as the school's first black female law professor. When male members of the student group boycotted the party, I discovered that an aspiring role model's choice of spouse can interfere with her function. A white male colleague in whom the black males confided explained that the students' discovery that my husband is white had played a role in creating the misimpression that I did not "speak" to blacks. I was annoyed; but I was genuinely concerned that my personal life had permanently undercut my ability to nurture some black students.

In sum, the role model argument seems to imply that black women are intellectual inferiors, unqualified for anything but serving as role models for blacks. Serving as role models for blacks is splendid, urgent service. But the role model argument downplays the other important teaching, scholarly or institutional contributions black women make. It ignores that our employers pile on duties besides role modeling. Demanding that we be precisely as black as others want us to be, the role model argument imposes taxing ideals of perfection, based in part on stereotypes of our cultures and identities.

### **F. White Men Off The Hook**

In media coverage of the diversity debates spawned by events at Harvard Law School last year, the role model argument sometimes stood alone as a provocative "sound-bite." The argument is not at its best as a stand-alone. It casts too tall a shadow, obscuring the full range of good reasons schools have for hiring black women and we black women have for valuing ourselves.

A final problem with the role model argument is that it signals to faculty members who are not black females that they may abandon efforts to serve as positive role models for black women. The logic of the

role model argument is such that it lets most faculty off the hook when it comes to educating black women. The argument implies that some blacks are simply unreachable—unteachable—by non-blacks. While it may be viewed as responsibly recognizing the reality of racial and gender differences, the role model argument must also be seen as providing teachers who are not black women with a convenient excuse to remain inept at dealing with black women in their classrooms. The role model argument justifies hiring black female teachers, but it also condones a degree of indifference toward black female students. Black women have much to learn from white faculty who care to extend themselves. Thus, trying to hire black females solely as role models looks disturbingly close to something privileged Americans have always done: hire black women to perform the tiresome, unappealing tasks.

### G. Honest Rhetoric

In the final analysis, it is plain that we should applaud black female role models, but reject the journalist's version of the role model argument—that the *principal* reason for adding black women to a faculty that may already include white women and black men is that they are role models. We should not pretend that we can rank-order the many good reasons for hiring black women, any more than we should pretend that we can rank-order the many good reasons for hiring other categories of teachers. We should also reject any version of the role model argument that portrays role modeling capacities as the *only* reason to hire black women. It is futile scholasticism to speculate about whether role modeling capacities could be a sufficient reason for hiring a black woman, since they in fact never would be.

Rejecting exclusive use of role model arguments to persuade schools to hire black women is consistent with the reality that all teachers, black women included, are role models in the “ethical template” sense. It is also consistent with the moral expectation that blacks will take responsibility, as symbols and nurturers, for educating blacks. Concern for black students is paramount among reasons for rejecting exclusive reliance on role model arguments. Black students must understand the full range of demands that black teachers face and that they, too, will someday face should they assume comparable roles.

The point of raising and clarifying concerns about the role model argument is neither to cripple activism on behalf of diversity, nor to silence progressive voices fighting for the inclusion of black women. What I am after is something I believe students and faculty concerned about diversity are also after, namely, supporting minority communities through fairness and honesty in the reasons institutions give for hiring black women. If progressives' arsenal of political rhetoric is to include

role model arguments, the limitations of those arguments must be well understood.

## VI. UNCOMMON FACES

Even successful black women students have felt out of place within higher education. And in the post-civil rights era, black women educators have been made to feel unwelcome. Long before the media caught wind of the controversy over hiring women of color, black women knew that many on campus privately raised the question I was once asked publicly: "What gives *you* the right to teach this class?" Learned communities will continue to ask it until the fruits of our determination and diversity have ripened, and our faces are so common among them that the question becomes as unthinkable as it is generally, but not always, unspeakable.